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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,264	09/29/1999	RAPHAEL PAUL CLAUDE CASSIERS	Q55802	3837

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/408,264

Applicant(s)

CASSIERS ET AL.

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the application filed 9/29/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7,9. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The disclosure should not refer to the claims because the claims could be changed with an amendment. See page 1, lines 7, 9, and 11; page 2, lines 13, 14, and 16; and page 3, lines 3 and 10. Appropriate correction is required.

### ***Drawings***

2. Figure 2A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1-4 are objected to under 37 CFR 1.75 because of the following informalities:

In claims 1-4, it is suggested to change "CHARACTERISED IN THAT" to --- characterized in that---.

In claim 2, it is suggested to change "Method according to claim 1" to --- The method according to claim 1---.

### ***Claim Rejections - 35 USC § 103***

Art Unit: 2661

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morelli et al (6,236,674) in view of Bremer (6,320,879).

Regarding claim 1, Morelli discloses a method to transit in a communication system comprising a transmitter, a communication medium, and a receiver (see Figure 1 and col. 5, lines 17-29), from a low power state wherein data packets are transmitted via the communication medium from the transmitter to the receiver at a low power to a full power state wherein data packets are transferred from the transmitter to the receiver at full power, characterized in that low power transmission of a currently transferred data packet is interrupted (see abstract; col. 1, lines 11-15; col. 4, lines 11-13; col. 6, lines 51-54; col. 18, line 1-5). Although Morelli discloses interrupting the low power transmission of the data packet to switch to a full power state, Morelli does not explicitly disclose a copy of the interrupted transferred data packet is transmitted at full power. However, retransmitting an interrupted data packet is well known in the art. Bremer from the same or similar field of Morelli disclose that interrupted data packet will need to be retransmitted (see col. 2, lines 11-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the transmission of reliable data when switching from low power to full power state.

Regarding claim 3, Morelli discloses state transition arrangement to be used to transfer from a low power state to a full power state in a transmitter being adapted to transmit data packets at low power when it is operating in the low power state and to transmit data packets at full power when it is operating in the full power state (see abstract and col. 1, lines 11-15), characterized in that the state transition arrangement comprises interruption means for interrupting transmission of a currently transferred data packet (see interruption at time  $t_2$  of Figure 7 and col. 4, lines 11-13). Morelli does not explicitly disclose re-transmission means for transmitting a copy of the currently transferred data packet at full power. However, retransmitting a data packet when the packet is interrupted is well known in the art. Bremer from the same or similar field of Morelli disclose retransmitting the interrupted data packet (see col. 2, lines 11-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to retransmit a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the transmission of reliable data when switching from low power to full power state.

Regarding claim 4, Morelli discloses state transition arrangement to be used to transfer from a low power state to a full power state in a receiver being adapted to receive data packets at low power when it is operating in the low power state and to receive data packets at full power when it is operating in the full power state (see abstract; col. 1, lines 11-15; and col. 4, lines 24-34). Morelli does not explicitly disclose detection means for detecting an interrupted low power data packet and deletion means coupled to the detection means for deleting the interrupted low power data packet, and reception means for receiving a copy of the low power data packet at full power. However, a receiver with means for detecting an interrupted data packet if such

Art Unit: 2661

interruption occurred, deleting the interrupted packet, and receiving a copy of the interrupted packet is well known in the art. Bremer from the same or similar field discloses a receiver in which an interrupted data packet will be detected and deleted (discard) and a copy of the interrupted data packet will be received (see col. 2, lines 14-24 and col. 5, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to detect and delete the interrupted data packet and to receive a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the reception of reliable data when switching from a low power to a full power state.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morelli et al (6,236,674) in view of Bremer (6,320,879) as applied to claim 1 above, and further in view of Gibson et al (6,049,885).

Regarding claim 2, Morilli and Bremer disclose all the claimed subject matter as described in paragraph 5 above, except for transmitting a state transition indication to the receiver before the copy of the currently transferred data packet is transmitted at full power. However, Gibson from the same or similar field of Morilli discloses a transmitter for transmitting a state transition indication (a remote wake-up packet) to a receiver (remote device) to take the receiver out of its low power state (see abstract and col. 2, lines 3-6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit a state transition indication to the receiver as taught by Gibson in the system of Morelli so that the receiver will know what mode the transmitter is operating so as to receive and process the incoming data packet correctly.

Art Unit: 2661

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Edem (5,805,597); Russo (6,167,078); Simionescu et al (5,963,650); and Lubin et al (6,434,395) are all cited to show a communications system comprising a transmitter and a receiver that can switch between a low power state and a full power state or the retransmission of an interrupted data packet which are consider pertinent to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BN  
January 29, 2003

  
Brian Nguyen